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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LI *et al.*

Appl. No. 09/266,935

Filed: March 12, 1999

For: **Compositions and Methods for  
Enhanced Synthesis of Nucleic  
Acid Molecules**



Art Unit: 1656

Examiner: Riley, J.

Atty. Docket: 0942.4560001/RWE/BJD

**Third Supplemental Information Disclosure Statement  
and Fee Under 37 C.F.R. § 1.97(c)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided. The numbering of documents in this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on April 12, 2000, in Applicant's First Supplemental Information Disclosure Statement filed on April 6, 2000, and in Applicant's Information Disclosure Statement filed on June 18, 1999, submitted in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to

the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to commonly owned, co-pending U.S. Patent Application Number 09/103,577, filed June 24, 1998, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. In accordance with 37 C.F.R. § 1.97(c), fee payment of \$240.00 is included herewith in our check no. 27892.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: June 26, 2000

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